

Utah Juvenile Justice System Assessment Part 2: Presentation Index

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Access to Services: Key Takeaways

- **Decision Making**
 - Services exist to meet youths' needs in the community without a court referral, but options and availability may vary regionally
 - Those services that can be used without court intervention are focused on substance abuse, mental health, education, and family
 - Contracted services for youth on probation vary widely by district
 - JJS offers contracted services that address the same types of needs as probation, except intensive in-home, family-based services
 - For youth who enter the system, probation officers and JJS Case Managers report that substance abuse, criminal thinking/attitude, family conflict, mental health, and education are top youth needs
 - A majority of both probation officers and JJS Case Managers report barriers to service access to youth residing at home
- **Youth Flow**
 - PSRA assessments show that low proportions of youth entering the juvenile justice system have criminogenic needs in the following areas:
 - Roughly one-third have an identified substance abuse need
 - Roughly one-third have identified behavior issues in school and/or poor school attendance or truancy
 - 17% have an identified mental health diagnosis
 - 10% of youth entering court system consistently disobey family supervision rules
 - Only 2% are gang affiliated

Slides 27-55:

Probation and Court Monitoring: Key Takeaways

- **Decision Making**

- No statutory criteria guide judicial choice among standard probation, state supervision, and intake probation
- Policy may guide probation length, but statute permits up to age 21
- In addition to 18 standard conditions, probation youth must comply with special conditions; probation policies; and requirements like restitution, fines, fees, and community service
- There is no clear statutory guidance on responses to technical violations
 - Nearly half of probation officers do not use written guidelines when determining how to sanction technical violations
 - Technical violations may be addressed through either contempt or an order to show cause, at the probation officer's discretion
 - Judges may dispose a youth to any originally available disposition upon violation, and any disposition other than secure care upon finding contempt
- There is no clear statutory guidance on circumstances under which youth should be released from probation
- **Youth Flow**
 - Probation dispositions have fallen 55% since 2008, a larger decline than the 35% drop in new intakes
 - Contempt and drug offenses are the most common offenses in the top 10 probation dispositions
 - The proportion of Hispanic and Black youth among probation dispositions is larger than their proportion of new intakes and the overall youth population
 - More than one-third of youth put on probation have a detention disposition on the same case
 - Probation supervision lasts more than 6 months on average, slightly longer for felony cases, and down 54% since 2009
 - But, youth who spend any time on probation spend 4 years under court jurisdiction on average before aging out
 - While only 9% of youth who spent time on probation were high risk when they entered the system, 45% were high risk by the time they aged out

Slides 56-67:

Observation and Assessment: Key Takeaways

- **Decision Making**
 - Although O&A is intended to be used as a diagnostic tool, no statutory prerequisites limit placement
 - According to sentencing guidelines, O&A should not be a disposition in and of itself
 - Following up to 60 days in O&A, the judge may use discretion to dispose the youth to any of the originally available dispositions
 - Attorneys may or may not be present for that disposition hearing
 - More than half of judges report using O&A for contempt charges
- **Youth Flow**

- O&A dispositions are down 36% since 2008, consistent with the decline in new intakes, but most of that drop came in 2015
 - Districts vary in their proportional use of O&A
 - Contempt is the most serious offense for 45% of O&A dispositions, up from 30% in 2008
- Three-quarters of youth who are disposed to O&A also get a detention disposition on the same case

Slides 68-92:

Detention and Detention Alternatives: Key Takeaways

- **Decision Making**
 - Secure detention may be used at the court's discretion for up to 30 days at each disposition
 - It is unclear if that 30-day maximum is specific to each youth, each case, or each charge
 - Youth awaiting placement could spend more than 30 days awaiting transfer
 - While statute prohibits incarceration of status offenders, the court may incarcerate a status offender through a subsequent finding of contempt
 - Defense counsel may be, but need not be, appointed at that contempt proceeding
 - In 4 urban counties, JJS diversion may be used by the court as a detention alternative
- **Youth Flow**
 - 53% of detention dispositions result in a detention booking; all other youth have a stay on the order of detention that is not imposed
 - Detention dispositions that resulted in a booking have decreased 32% (consistent with the decline in new intakes since 2008)
 - Detention dispositions with no booking have increased 12%
 - 83% of youth are put in detention on non-felonies, 43% for contempt
 - Detention dispositions with bookings are open an average of 10 months, but youth who are booked spend 18 days in detention on average
 - Of youth who are booked, nearly half have more than 1 stay
 - More than 1/3 of detention bookings last longer than 1 week
 - Youth who have a JJS detention disposition spend roughly 4 years under court jurisdiction on average before aging out
 - While only 8% of youth sent to JJS detention started as high risk, 41% left the system high risk

Slides 93-125:

JJS Community Placements: Key Takeaways

- **Decision Making**
 - No statutory criteria guide the temporary custody transfer of youth to JJS community placement or length of stay
 - Nearly three-quarters of JJS Case Managers report needs not being met in the community as a factor guiding the placement

- While awaiting non-secure placement, youth frequently spend time in secure detention
- After the initial placement, JJS Case Managers have statutory authority to place a youth in a non-secure facility without court involvement
 - But JJS Case Managers report varied regional practices
 - Nearly half of JJS Case Managers report using non-secure out-of-home placements as a response to technical violations
- The court has final say over temporary custody discharge and termination of the case, but relies on JJS Case Manager input to inform decision
 - Nearly half of JJS Case Managers do not use written guidelines to determine aftercare completion recommendations for youth released from non-secure out-of-home placement
- **Youth Flow**
 - There has been a 47% decline in JJS community placement dispositions since 2008, larger than the decline in new intakes
 - More than 200 youth were admitted to JJS work camps, an 8% decline since 2008 that has not kept pace with the decline in new intakes
 - More than 3/4 of JJS community placements are non-felonies; 40% of JJS community placement dispositions are for contempt
 - There are larger disparities for Hispanic and Black youth among JJS community placement dispositions compared to new intakes
 - The average length of a JJS community placement disposition is about 12 months, with youth spending nearly 9 months out of home on average
 - Youth who go to JJS community placement spend roughly 6 years in the court system on average before aging out
 - Almost one-third of youth who spend time in JJS community placement also went AWOL before aging out
 - While only 12% of youth sent to JJS community placement started as high risk, 61% were high risk when they aged out

Slides 126-151:

JJS Secure Care: Key Takeaways

- **Decision Making**
 - The court may commit a youth to secure care for any offense other than status or contempt
 - While sentencing guidelines and JJS rules indicate that secure care should be reserved for the most dangerous or chronic offenders, statute makes no such qualification
 - Technical violations at any stage, for eligible offenses, can lead to secure care placement
 - Some judges report that availability of services and a youth's family circumstances may factor into their secure care placement decisions
 - When a judge commits a youth to secure care, JJS may keep the youth until age 21
 - YPA determines estimated length of stay within 90 days of a youth entering a facility, updates that length of stay every 90 days, and determines release

- Paroled youth may be returned to secure care within 90 days without a hearing on a technical or other violation
- **Youth Flow**
 - There has been a 55% decline in secure care dispositions since 2008, much larger than the decline in new intakes
 - Youth with felonies make up half of those put in secure care
 - Twice as large a proportion of Hispanic youth are represented in JJS secure care dispositions than in new intakes
 - Half of secure care dispositions are for non-felonies
 - The average secure care disposition is 14 months; 14 months is spent out of home on average, up 26% since 2009
 - JJS parole dispositions declined 44%; the average length of parole is about 5 months
 - Most youth who go to secure care have other probation or JJS custody dispositions before aging out, spending 5-10 years under court jurisdiction on average
 - While only 16% of youth who went to JJS secure care started as high risk, 70% left the system high risk

Slides 152-169:

DCFS Placement: Key Takeaways

- **Decision Making**
 - Statute permits commitment to DCFS on any status or delinquency disposition without a corresponding finding of abuse, neglect, or dependency
 - The only requisite finding is that reasonable efforts have been attempted to prevent removal from home
 - Youth in DCFS custody may remain there indeterminately until aging out
 - Statutory processes and protections enacted for abused and neglected youth, like permanency planning reviews, do not apply to this cohort of youth
 - Further, parents cannot be compelled to be involved
 - Most youth are placed out of home in non-secure residential placements
- **Youth Flow**
 - There has been a 50% decline in DCFS custody dispositions for delinquency and status offenses since 2008
 - 46% of DCFS custody dispositions also have a detention disposition on the same case
 - 43% of DCFS custody dispositions are for contempt
 - The proportion of Black youth disposed to DCFS custody is four times as large as the proportion of Black youth among new intakes
 - The average length of a DCFS custody disposition is more than 19 months, and the longest is for contempt dispositions
 - The range is 4-8 years under court jurisdiction on average before aging out

Slides 170-172: System Costs

Slides 173-175:

Overall Key Takeaways

- **Decision Making**

- Options and availability of services for youth residing at home may vary regionally, and a majority of probation officers and JJS Case Managers report barriers to service access
- JJS and Probation offer similar types of contracted services and report similar top needs among the youth they supervise
- All youth have 18 required standard probation conditions, and many have additional special conditions, regardless of risk level or offense type
- There is no clear statutory guidance on probation length, probation termination, or responses to technical violations
- Although sentencing guidelines intend O&A to be used as a diagnostic tool and not as a disposition in and of itself, statute does not limit placement
- Statute allows secure detention to be used at the court's discretion for all types of cases except status offenses
- There are no statutory guidelines for length of stay out of home for JJS community placement or DCFS placement, except for the jurisdictional age of 21

- **Youth Flow**

- PSRA assessments show that low proportions of youth entering the juvenile justice system have criminogenic needs
- The largest declines in dispositions are for probation and JJS secure care, outpacing declines in new intakes
- Racial disparities are present for all types of probation and custody dispositions, compared to the demographics of new intakes or the youth population
 - The largest racial disparity in the system is for Black youth disposed to DCFS placement
- There is substantial variation in whether judicial districts' use of O&A, detention, JJS custody or DCFS custody is consistent with their proportion of new intakes
- Detention dispositions are the most frequently utilized out-of-home placement
- The majority of probation and out-of-home dispositions are for non-felony cases
- Contempt charges are the largest driver of O&A, detention, JJS community placement, and DCFS dispositions
- Youth often stay out of home longer for contempt charges than misdemeanors on average
- DCFS custody dispositions are longer than JJS community placement or secure care dispositions
- Youth put on formal probation or disposed to detention average 4 years under court jurisdiction before aging out; youth who were sent to JJS custody or DCFS custody average more than 5 years under court jurisdiction before aging out
- Almost all of these youth spend time in detention at some point
- The majority of youth put on probation or in JJS custody increase their risk level before aging out
- Community supervision costs as much as \$7,500 per youth on a caseload per year, while JJS residential beds cost as much as \$127,750 per year

Slides 176-177:

- Future Meetings
- Next Steps